

)	
AVI KOSCHITZKI, on Behalf of Himself)	
and all Others Similarly Situated,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:08-CV-04451-JBW-VVP
)	
APPLE INC. and AT&T MOBILITY LLC,)	
)	
Defendants.)	
)	

PLEASE TAKE NOTICE THAT, Defendant AT&T Mobility LLC (ATTM), will respectfully move this court, before the Honorable Jack B. Weinstein, Senior United States District Judge, Eastern District of New York, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, on a date and time to be determined by the parties in accordance with the Court's schedule, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(f), for an order dismissing the Plaintiff's Amended Class Action Complaint as against ATTM and striking plaintiff's prayer for relief demanding minimum and punitive damages under section 349 of the New York General Business Law, and for such other and further relief as the Court deems just and proper. ATTM moves to dismiss under Fed. R. Civ. P. 12(b)(6) upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's Amended Class Action Complaint and the exhibit attached thereto; and all other papers and proceedings herein. ATTM moves under Fed. R. Civ. P. 12(f) to strike plaintiff's prayer for relief upon defendant Apple Inc.'s Motion to Strike Prayer for Relief and Memorandum of Law in Support of Motion to Strike, also filed today, which ATTM adopts and incorporate by reference herein.

Dated: November 24, 2008

Respectfully submitted,

CROWELL & MORING LLP

By: /s/ Steven D. Greenblatt
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